

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Crim. Action No. 1:19-CR-54-2
(Kleeh)

DARRELL ERNEST REESE,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION [DKT. NO. 66] AND
DENYING DEFENDANT'S MOTION TO SUPPRESS [DKT. NO. 51]

On December 4, 2019, Defendant Darrell Ernest Reese ("Defendant") filed a motion to suppress physical evidence. Pursuant to 28 U.S.C. § 636, the Court referred the motion to United States Magistrate Judge Michael J. Alois for initial review and preparation of a Report and Recommendation ("R&R"). The Magistrate Judge recommended that the motion to suppress be denied.

When considering a magistrate judge's R&R pursuant to 28 U.S.C. § 636(b)(1), the Court must review de novo those portions to which objection is timely made. Otherwise, "the Court may adopt, without explanation, any of the magistrate judge's recommendations to which the [defendant] does not object." Dellarcirprete v. Gutierrez, 479 F. Supp. 2d 600, 603-04 (N.D.W. Va. 2007) (citing Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983)). Courts will uphold portions of a recommendation to which no objection has been

made unless they are clearly erroneous. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Here, objections to the Magistrate Judge's R&R were due on or before Friday, January 24, 2020. To date, Defendant has not filed any objections. Accordingly, the Court reviewed the R&R for clear error.

Conclusion

Upon careful review of the above, and finding no clear error, the Court **ADOPTS** the R&R [Dkt. No. 66]. Defendant's motion to suppress [Dkt. No. 51] is **DENIED**.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to counsel of record.

DATED: January 27, 2020

/s/ Thomas S. Kleeh
THOMAS S. KLEEH
UNITED STATES DISTRICT JUDGE